

KAREN ANDERSON
Claimant

WORKFORCE, INC.

AND

ITT HARTFORD

Insurance Carrier

ORDER

ISSUES

(1) That claimant gave notice as required by K.S.A. 44-520; and,

(2) That claimant's injury arose out of and in the course of her employment.

After reviewing the record and considering the briefs of the parties, the Appeals Board finds:

(1) The evidence establishes claimant did give notice sufficient to satisfy the requirements of K.S.A. 44-520.

Respondent admits notice of injury to the right upper extremity but denies notice of injury to the left upper extremity. Claimant alleges injury on August 28, 1994, while doing boning work with a wizzard knife at Prairieland. At the time claimant worked for respondent Workforce, a temporary employment service, and had been placed at Prairieland. Claimant testified, and the Appeals Board finds, that the claimant did give notice regarding problems with both extremities to Prairieland. Evidence further establishes that Prairieland contacted Workforce, Inc., and

claimant was thereafter sent to Broadway Occupational Clinic for treatment. In the form claimant initially filled out at the Broadway Occupational Clinic, claimant refers to problems with both hands and arms. Although the record does not establish which paperwork, the claimant testified that she took the papers from Broadway Occupational Clinic to her direct employer, Workforce, Inc. The Appeals Board finds the evidence adequately establishes notice to Workforce, Inc.

(2) The evidence does, for preliminary hearing purposes, establish claimant's injury arose out of and in the course of her employment.

This finding by the Appeals Board is based upon the work done for respondent by claimant at Prairieland, the evidence regarding the onset of symptoms in the course of her work for Prairieland and the consistent medical history which likewise relates the onset of symptoms to the work at Prairieland.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge John D. Clark, dated January 10, 1995, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of April, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Joseph Seiwert, Wichita, KS
P. Kelly Donley, Wichita, KS
John D. Clark, Administrative Law Judge
George Gomez, Director